Northeast Organic Farming Association of Vermont

An organization of farmers, gardeners, and consumers working to promote an economically viable and ecologically sound Vermont food system

Comments for Docket Number TM-03-04
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Mail: Arthur Neal, Program Administrator
National Organic Program
USDA-AMS-TMP-NOP
1400 Independence Ave SW
RM. 4008-South Ag Stop 0268
Washington, DC 20250

September 15, 2006

Dear Mr. Neal;

In response to the National Organic Program's proposed amendments to the National List of allowed and prohibited substances, Vermont Organic Farmers (VOF) would like to submit the following comments. VOF is an LLC of the Northeast Organic Farming Association of Vermont (NOFA-VT) and is an accredited certifier for the state of Vermont. VOF represents 394 certified producers, 126 of whom are dairy producers and 56 of whom are livestock producers.

The Organic Food Production Act of 1990 established the National Organic Standards Board to provide guidance and recommendations regarding the implementation of the NOP rule and in evaluating substances for inclusion on the National List. Farmers in Vermont trust this 15-member board because of their expertise and experience in organic farming. The NOSB has proposed amendments to the National List concerning substances allowed for use in organic livestock production using the evaluation structure set up in the OFPA. This evaluation process ensures that substances allowed in organic production meet stringent standards. VOF would like to recognize that the NOP has made progress in evaluating these NOSB recommendations and for ultimately proposing these substances for organic livestock medications. However, because the NOP has made substantial changes to the NOSB recommendations, VOF insists that the reasons for these changes are made clear, including why and how the NOSB recommendations do not meet the criteria set forth in the OFPA.

VOF is most concerned with the fact that the NOP did not accept the following NOSB recommended substances for use in organic livestock production: synthetic activated charcoal, calcium borogluconate, calcium propionate, kaolin pectin, mineral oil or propylene glycol. These substances are fast acting and common ingredients for acute conditions. They are widely available and are commonly used by producers as well as veterinarians. In fact, there are no alternatives that are clearly proven to work for these six substances. For a cow with milk fever, for example, there is no fast acting, intravenous alternative treatment to calcium borogluconate. Prohibiting these substances means robbing farmers and veterinarians of key health care treatments. The NOP has rejected these substances not based on criteria set up by OFPA but instead because the FDA does not consider these substances animal drugs.

As representatives of the FDA have repeatedly pointed out, they do not have authority over organic standards and the NOP does not have authority over what can be considered a drug. The FDA acknowledges that there are 3,000 medications that are allowed for livestock medication by discretion. If the FDA allows these medications by discretion for livestock producers around the country, then the NOP's FDA argument is no reason to prohibit organic producers from using six of those substances recommended by the NOSB. If organic producers

and veterinarians are prohibited the use of these products they will be robbed of important tools to treat serious ailments for no other reason than bureaucratic classification. VOF strongly encourages the FDA and NOP to work together to find practical and timely solutions to these regulatory issues. Prohibiting these NOSB recommended substances penalizes farmers and risks the health of their animals due to supposed illegal FDA use when the FDA clearly allows these substances on farms across the United States.

The NOP proposed eliminating the extended withdrawal period recommended by the NOSB for flunixin, furosemide, butorphanol, tolazoline, and xylazine because this would require additional label claims beyond that which is permitted by the FDA.
VOF suggests that instead of basing the withhold time on the label, that the NOSB's intent can be fulfilled by calculating the withhold time from the USDA sponsored Food Animal Residue Avoidance Database (FARAD) and account for the extra margin recommended by the NOSB. Suggested withdrawal times are summarized in the table below.

Table 1
Organic Withholding Periods

Substance	Milk Withhold	Meat Withhold
Atropine	12 days	56 days
Butorphanol	8 days	42 days
Flunixin	6 days	42 days
Furosemide	4 days	4 days
Tolazoline	4 days	8 days
Xylazine	4 days	8 days

VOF strongly urges the NOP to accept the NOSB recommendations for extended withdrawals when applicable, as again these were considerations taken into account based on OFPA criteria.

VOF would like to thank the NOP for the opportunity to comment on these proposed amendments. We hope that the requests of our organic producers are seriously considered.

Respectfully submitted,

Nicole Dehne
Vermont Organic Farmers Administrator

Enid Wonnacott
NOFA-VT Executive Director

Cc:
Senator Patrick Leahy
Congressman Bernie Sanders
VT Secretary of Agriculture, Steve Kerr

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